

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

THERMO FINNIGAN LLC,

Plaintiff-Counterclaim Defendant,

V.

APPLERA CORPORATION,

Defendant-Counterclaim Plaintiff.

Civil Action No.: 04-1505-GMS

## PROPOSED MARKMAN ORDER

This \_\_\_\_ day of \_\_\_\_\_ 2006, the Court having considered the parties' claim construction briefing and having conducted a *Markman* hearing on March 16, 2006;

IT IS ORDERED that:

The disputed claim terms of U.S. Patent No. 5,385,654 are construed as follows:

1. Anions means negatively charged ions.
2. Capillary electrophoresis means electrophoresis, or the movement of ions under the influence of an electric field, that takes place in a capillary tube.
3. Capillary means a tube with a very small internal diameter.
4. Carrier electrolyte means an electrically conductive fluid medium that carries or transports ions.
5. Target temperature means a selected temperature.

6. Detecting said anions by simultaneously monitoring said sample at two different wavelengths means detecting the anions by monitoring the sample at two different wavelengths at the same time.
7. Maintaining the temperature in said capillary to within  $\pm 0.5^{\circ}$  C. of said target temperature means maintaining the temperature in the capillary to within  $\pm 0.5^{\circ}$  C. of the target temperature.
8. Electroosmotic flow means flow in a capillary under the influence of an electric field.
9. Electroosmotic flow modifier means substance that modifies the electroosmotic flow.

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The Honorable Gregory M. Sleet  
United States District Judge